

FIFTEENTH DAY

(Thursday, November 7, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Senate Resolution 110

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, Kindergarten of Casis School in Austin, Texas, accompanied by their teacher, Mrs. Nelson and their student teachers, Miss Pat Parker and Miss Carol Bertram; and Mr. Billy Reagan, Intern for Casis School; and

Whereas, These students and new teachers are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal

of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students, teacher and sponsors to the Members of the Senate.

Senate Resolution 111

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the First Grade of Peak Primary School in Austin, Travis County, Texas, accompanied by their teacher, Mrs. T. M. Peak; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to their class in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and Mrs. Peak to the Members of the Senate.

Message from the House

Hall of the House of Representatives
Austin, Texas,
November 7, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 6, In memory of Julie, Stephen and Margaret Davis, the children of Mr. and Mrs. Nat Davis, Jr., of Huntsville, Texas.

S. C. R. No. 7, In memory of Miss Thelma Dell Woods of Liberty, Liberty County, Texas.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Committee Substitute House Bill 5 on Second Reading

The President laid before the Senate on its second reading and passage to third reading the following bill:

C. S. H. B. No. 5, A bill to be entitled "An Act creating the Law Enforcement Study Commission, providing for its duration, membership, organization, study, recommendations and reports; making other provisions in regard thereto; providing for the cooperation of Departments of the State Government; providing for the transfer of funds for the use of said Commission; providing a severability clause; and declaring an emergency."

The bill was read second time.

Senator Hardeman offered the following amendment to the bill:

Amend C. S. H. B. No. 5, Sec. 1 by striking out the comma after the word "Procedure" in the 5th line and inserting between the words "Procedure" and "but" the following words and punctuation: "and of the preservation of constitutional liberties and guaranties."

The amendment was adopted.

Senator Bracewell offered the following amendment to the bill:

Amend Senate Committee Substitute for H. B. No. 5 by inserting between the word "for" and the word "Legislature" in Section 1 thereof the following: "on ways and means to improve law enforcement and crime prevention and for"

The amendment was adopted.

On motion of Senator Moffett and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to third reading.

Committee Substitute House Bill 5 on Third Reading

Senator Moffett moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. H. B. No. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood

Nays—1

Fuller

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Committee Substitute House Bill 6 on Second Reading

The President laid before the Senate on its second reading and passage to third reading the following bill:

C. S. H. B. No. 6, A bill to be entitled "An Act providing for the Texas Water Planning Act of 1957; defining terms; creating the Texas Water Resources Planning Division within the State Board of Water Engineers; prescribing the functions of the Planning Division and specifying its powers and authority under the supervision and direction of the State Board of Water Engineers; providing for the accumulation of data by the Planning Division in cooperation with other state and federal agencies and for the appointment of a representative of the State Soil Conservation Board to work and advise with the Planning Division and authorizing the use of appropriated funds for the purpose of paying the salary, travel and other expenses of such representative; providing that all records, reports, data and information in the files of the Planning Division shall be open to public inspection and authorizing the publication and sale of such material in printed form; providing a method of financing by re-allocating certain funds that have been heretofore appropriated to the Board of Water Engineers

and by transferring the sum of Five Hundred Thousand Dollars (\$500,000.00) previously appropriated to the Texas Prison System so as to make available sufficient funds to cover appropriations for the salaries of the members of the State Board of Water Engineers, the salary of the Planning Engineer, the salaries of employees of the Board, and expenses incidental to the functioning of the agency in accordance with the provisions of this Act; authorizing and prescribing conditions, limitations, rules and procedures for expending the appropriated funds, remaining balances, and fees authorized to be collected; providing for a Planning Engineer and prescribing the qualifications therefor; empowering the Board of Water Engineers, under certain conditions, to negotiate for the acquiring of conservation storage in reservoirs created by the United States Government and to report such negotiations to the Legislature; containing a severability clause; and declaring an emergency."

The bill was read second time.

Question—Shall C. S. H. B. No. 6 be passed to third reading?

At Ease

On motion of Senator Moffett and by unanimous consent the Senate at 11:15 o'clock a.m. agreed to stand At Ease for five minutes.

In Legislative Session

The President called the Senate to order as in Legislative Session at 11:20 o'clock a.m. today.

Committee Substitute House Bill 6 on Second Reading

The Senate resumed consideration on the pending business, same being C. S. H. B. No. 6 on its passage to third reading.

Question—Shall C. S. H. B. No. 6 be passed to third reading?

Senator Rogers offered the following amendment to the bill:

Amend Committee Substitute for House Bill No. 6 by adding a new section at the end of Section 5 to be appropriately numbered and to renumber succeeding sections.

"Section —. Nothing in this Act nor any plan devised hereunder shall

affect or disturb any vested rights in underground waters, diffused surface waters, riparian rights, existing appropriative rights or any other rights vested under existing law."

The amendment was read.

Senator Bracewell moved to table the amendment.

Yeas and Nays were demanded.

The motion to table was lost by the following vote:

Yeas—12

Ashley	Lock
Bracewell	Moffett
Colson	Parkhouse
Fly	Phillips
Hardeman	Reagan
Lane	Weinert

Nays—19

Aikin	Moore
Bradshaw	Owen
Fuller	Ratliff
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood
Martin	

Question recurring on the amendment, it was adopted.

Senator Smith offered the following amendment to the bill:

Amend Committee Substitute for H. B. No. 6 by adding the following at the end of item 11, Sec. 4A, page 6: "and for studies of underground water."

The amendment was adopted.

Senator Wood offered the following amendment to the bill:

Amend Committee Substitute for House Bill No. 6 by adding a new section at the end of Section 5 to be numbered Section 6, and renumbering the succeeding sections.

"Section 6. No permit shall be required by the Board of Water Engineers or any other agency of the state for the construction of any dam or reservoir on private property to impound or contain not to exceed 200 acre feet of water; and no permit shall be required for the use of such water for any beneficial purposes by the owner for his own use upon such

land. Nothing herein shall affect any presentation or application for permit on file with the Board and shall not affect any litigation now pending. This section shall be cumulative of Article 7492a, Article 7500a, and Article 7515a, Revised Civil Statutes."

WOOD
MOORE
ROBERTS
OWEN
LANE
RATLIFF
BRADSHAW
AIKIN
ROGERS

The amendment was read.

Senator Parkhouse raised the point of order that the amendment offered by Senator Wood was not germane to the bill under consideration.

The President over-ruled the point of order.

Question—Shall the amendment by Senator Wood to C. S. H. B. No. 6 be adopted?

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 37, Inviting Dr. Marvin Vance to address the Legislature in Joint Session in honor of November 11, 1957.

Recess

On motion of Senator Hardeman the Senate at 11:58 o'clock a.m. took recess until 2:30 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:30 o'clock p.m. today.

House Concurrent Resolutions on First Reading

The following resolutions received from the House were read first time and referred to the committee indicated:

H. C. R. No. 13, To the Committee on Jurisprudence.

H. C. R. No. 4, To the Committee on Jurisprudence.

H. C. R. No. 6, To the Committee on Jurisprudence.

H. C. R. No. 11, To the Committee on Jurisprudence.

H. C. R. No. 9, To the Committee on Jurisprudence.

H. C. R. No. 18, To the Committee on Jurisprudence.

Senate Concurrent Resolution 9

Senator Parkhouse by unanimous consent offered the following resolution:

S. C. R. No. 9, Granting Joe White permission to sue the State of Texas.

Whereas, Over the past ten years, Joe White of Grand Prairie, Texas, is alleged to have suffered considerable property damage from erosion to his property, which is located on the intersection of Belt Line Road and Highway 183 between Dallas and Fort Worth, Texas; and

Whereas, The said Joe White has requested the Highway Department to take some action to prevent this, and they have only recently taken some steps to stop the destruction of his property, but the damage is alleged to already have been done; and

Whereas, Joe White has never been compensated by the State of Texas for his alleged damages resulting from the loss sustained by the erosion of dirt from his property; now, therefore, be it

Resolved, by the Senate of Texas, with the House of Representatives concurring, That Joe White be, and he is hereby, granted permission to bring suit against the State of Texas and/or the State Highway Department, jointly or severally, on account of the property damage alleged to have been sustained by the said Joe White as a result of the erosion of dirt from his property; and, be it further

Resolved, That such suit may be filed in any court of competent jurisdiction within the State of Texas, at any time within the next two years from the date this resolution takes effect, but it is understood that the sole purpose of this resolution is to grant permission to the aforesaid Joe White to bring suit against the State of Texas, and no admission of liability of the State or any fact is made in any way by the passage of this resolution, and it is specifically provided that the facts upon which he seeks to recover must be proved in court as in other civil cases; and be it further

Resolved, That process in such suit

may be served upon the Chairman of the State Highway Commission and the Attorney General of Texas with the same force and effect as in any other civil cases.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 10

Senator Parkhouse by unanimous consent offered the following resolution:

S. C. R. No. 10, Granting George T. Abell et al. permission to sue the State of Texas.

Whereas, In 1951 and prior thereto, George T. Abell, R. G. Piper (Randall G. Piper) and E. A. Hall (Ellis A. Hall) as individuals and as a joint venture with offices in Abilene, Taylor County, Texas, produced and sold natural gas from the Grapeland Field located in Houston County, Texas; and

Whereas, George T. Abell, R. G. Piper (Randall G. Piper) and E. A. Hall (Ellis A. Hall) as individuals and as a joint venture paid to the State of Texas gas gathering taxes beginning in the month of September, 1951 and continuing through December, 1953, said taxes being levied by Section XXIII of House Bill 285, Chapter 402, Page 740, Acts of the 52nd Legislature of the State of Texas which became effective September 1, 1951, and which Act has been declared unconstitutional by the Supreme Court of the United States in the cases cited, *Michigan-Wisconsin Pipeline Company vs. Robert S. Calvert et al.*, and *Panhandle Eastern Pipeline Company vs. Robert S. Calvert et al.*, 347 U. S. 157, 74 S. C. 396; and

Whereas, The United States Supreme Court has held that taxes paid under this Act were illegally and unlawfully extracted and that said Act was void and of no force and effect; and

Whereas, There is no provision of law whereby this money unlawfully extracted can be returned or recovered except through a direct appropriation by the Legislature; and

Whereas, There is no provision in the laws of the State of Texas to accurately and definitely determine what amount of taxes, if any, should be returned; and

Whereas, In order to definitely and

accurately determine the same, it is the policy of the First Called Special Session of the 55th Legislature to let a court of competent jurisdiction pass upon the same; and

Whereas, The questions of law involved concerning taxes paid under the unconstitutional Gas Gathering Tax Act has been finally settled by the Courts of this State in the case of *Tennessee Gas Transmission Company vs. State of Texas*, 289 S. W. (2d) Page 309, Writ of Error refused by the Supreme Court; and

Whereas, R. G. Piper (Randall G. Piper) died on or about December 4, 1955 and E. A. Hall (Ellis A. Hall) died on or about August 30, 1953; and

Whereas, C. F. McCauley of Corpus Christi, Nueces County, Texas, and William C. Wiederhold of San Antonio, Bexar County, Texas were on or about October 12, 1956 duly and legally appointed Independent Executors of the Estate of R. G. Piper (Randall G. Piper); and

Whereas, The Citizens National Bank of Abilene, Taylor County, Texas was on or about December, 1954 duly and legally appointed Executor and Trustee in the State of Texas for the Estate of E. A. Hall (Ellis A. Hall); and

Whereas, Richard A. Hall was on or about September, 1953 duly and legally appointed Guardian and Trustee of Charles Layton Hall, minor son of E. A. Hall (Ellis A. Hall) deceased; now therefore, be it

Resolved by the Senate of Texas, with the House of Representatives concurring, That George T. Abell, individually; C. F. McCauley and William C. Wiederhold, Independent Executors of the Estate of R. G. Piper (Randall G. Piper) deceased; The Citizens National Bank of Abilene, Texas, Executor and Trustee in the State of Texas for the Estate of E. A. Hall (Ellis A. Hall) deceased; James E. Hall, individually; Richard A. Hall, individually; and Richard A. Hall, Guardian and Trustee of Charles Layton Hall, minor son of E. A. Hall (Ellis A. Hall) deceased; be, and are hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas for all amounts of money heretofore illegally extracted and paid by George T. Abell, R. G. Piper (Randall G. Piper) and E. A. Hall (Ellis A. Hall) as individuals and as a joint venture

under said unconstitutional law and service of citation for the purpose herein granted may be served upon the State of Texas by serving the Attorney General, the State Treasurer and the Comptroller of Public Accounts; and, be it further

Resolved, That such suit may be filed within two (2) years from the effective date of this resolution; and, be it further

Resolved, That it is understood that the purpose of this resolution is solely to grant permission to bring suit against the State of Texas and no admission of liability on the part of the State or of any fact that is made by this resolution; and, be it further

Resolved, That no interest shall be paid the parties herein granted permission to bring suit in the event a final judgment is obtained by them for recovery of taxes paid under H. B. 285, 52nd Legislature; provided if a final judgment is obtained by them, all increases in rates, if any, obtained on the basis of taxes paid under H. B. 285, Regular Session, 52nd Legislature, shall be refunded in full to those having paid such rate increases.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 11

Senator Roberts by unanimous consent offered the following resolution:

S. C. R. No. 11, Granting United Pentecostal Church of Denison permission to sue the State of Texas.

Whereas, On or about the 14th day of January, 1957, the State Highway Department of Texas began certain construction and alteration work on United States Highway No. 69 and the approaches thereto in and near the city of Denison in Grayson County, Texas, adjacent to, or alternatively near to, the church building and premises of the United Pentecostal Church of Denison, Texas, located in said city of Denison, Texas, which work was and is in connection with the re-routing or re-locating and the improving of said United States Highway No. 69 and the approaches thereto and is known as Federal Aid Project No. F707(1), and which work is still in progress and incomplete; and

Whereas, It is alleged and claimed by the said United Pentecostal Church of Denison, Texas, that on and subsequent to said date said church has

suffered and will in the future suffer damages from the impairment of access to its said premises and the washing and settling thereon of sand and dirt from the west embankment of such highway, all as a result of the construction, widening, improving, alteration, relocation and maintenance of such highway and the approaches thereto, and which conditions are alleged to be permanent; and

Whereas, It is proper that the said United Pentecostal Church of Denison, Texas, should have the opportunity of litigating, by and through its duly constituted representatives, its said claim for damages against the State of Texas and the State Highway Department of Texas and of establishing and recovering upon the same, if it be just; therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, That the said United Pentecostal Church of Denison, Texas, and its duly constituted representatives in its behalf, be, and they are hereby, granted permission and authority to bring suit against the State of Texas and the State Highway Department of Texas in any court of competent jurisdiction within two (2) years from the date this resolution becomes effective for the damages, if any, sustained and to be sustained by said church, including interest, if any; process in any such suit may be upon the Attorney General of the State of Texas and the Chairman of the State Highway Commission of Texas; other parties may be joined as defendants or made third party defendants in such suit; and be it further

Resolved, That any party to such suit shall have full right of appeal as in other civil cases; and be it further

Resolved, That the State Highway Commission of Texas, with the approval of the Attorney General of the State of Texas, may make and enter into an agreement for the compromise and settlement of such claim and suit by agreed judgment at any time after the completion of service of process in said suit upon such terms, including the payment of money, as to said Commission may seem just, fair and proper; and be it further

Resolved, That the State Highway Commission of Texas be, and it is hereby, authorized and directed to pay to said United Pentecostal Church

of Denison, Texas, out of any available fund or funds, the amount of any final judgment for damages which may be rendered in such suit; and be it further

Resolved, That the sole purposes of this resolution are to grant permission to said United Pentecostal Church of Denison, Texas, to bring such suit against the State of Texas and the State Highway Department of Texas, and to authorize the State Highway Commission of Texas to compromise and settle the same as herein provided, and to authorize said Commission to expend funds as herein provided in connection with such suit; and no admission of liability of the State or of any fact is made in any way by the passage of this resolution; and it is specifically provided that the facts upon which said church seeks to recover must, except in case of such compromise and settlement, be proved in court as in other civil cases.

The resolution was read and was referred to the committee on Jurisprudence.

Senate Concurrent Resolution 12

Senator Reagan by unanimous consent offered the following resolution:

S. C. R. No. 12, Granting La Gloria Oil and Gas Company permission to sue the State of Texas.

Whereas, La Gloria Oil and Gas Company is a Delaware corporation with a permit to do business in the State of Texas; and

Whereas, La Gloria Oil and Gas Company paid to the State of Texas gas gathering taxes in the amount of \$22,830.93 for the months of September, October and November, 1951, and April, 1952, said taxes being levied by Section XXIII of House Bill 285, Chapter 402, page 740, Acts of the Fifty-second Legislature of the State of Texas, which became effective September 1, 1951, and which said Act has been declared unconstitutional by the Supreme Court of the United States in the cases of Michigan-Wisconsin Pipeline Company vs. Robert S. Calvert, et al., and Panhandle Eastern Pipeline Company vs. Robert S. Calvert, et al., 347 U. S. 157, 74 S. Ct. 396, 98 L. Ed. 583; and

Whereas, The United States Supreme Court has held that taxes paid under this Act were illegally and unlawfully extracted and that said Act

was void and of no force and effect; and

Whereas, There is no provision of law whereby this money unlawfully extracted can be returned or recovered except through a direct appropriation by the Legislature; and

Whereas, In order to definitely and accurately determine the same it is the policy of this Legislature to let a court of competent jurisdiction pass upon the same; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, that La Gloria Oil and Gas Company be, and it is hereby granted permission to bring suit against the State of Texas, in any court of competent jurisdiction in Travis County, Texas, within two (2) years from the effective date of this resolution, to recover judgment against the State of Texas for all amounts of money heretofore illegally extracted and paid by La Gloria Oil and Gas Company under said unconstitutional law. The sole purpose of this resolution is to grant permission to the aforesaid La Gloria Oil and Gas Company to bring suit against the State of Texas, and no admission or liability of the State or of any fact is made in any way by the passage of this resolution, and it is specifically provided that the facts upon which it seeks to recover must be proved in court as in other civil cases. Service of citation may be had by service upon the Attorney General, the State Treasurer and the Comptroller of Public Accounts of the State of Texas; and be it further

Resolved, That no interest shall be paid to La Gloria Oil and Gas Company in the event a final judgment is obtained by it for recovery of taxes paid under House Bill 285, Fifty-second Legislature; provided if a final judgment is obtained by La Gloria Oil and Gas Company all increases in rates obtained on the basis of taxes paid under House Bill 285, Regular Session, Fifty-second Legislature, shall be refunded in full to all those having paid such rate increase.

The facts stated above create an emergency and an imperative public necessity that the Constitutional Rules requiring resolutions to be read on three several days in each House be suspended, and this resolution shall take effect from and after its passage.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 13

Senator Reagan by unanimous consent offered the following resolution:

S. C. R. No. 13, Granting Comar Sales Corporation permission to sue the State of Texas.

Whereas, Comar Sales Corporation, a Texas Corporation organized and existing under the laws of the State of Texas, alleges that it is the owner of the Comar Sales Corporation Service Station No. 1, located on North Beach on Highway No. 181, Lots 2 and 4, Block 87, Brooklyn Addition, City of Corpus Christi, Nueces County, Texas; and

Whereas, The State of Texas, acting through the Highway Commission of Texas, is now engaged in constructing the necessary works for the North approach to a high-level bridge across the Corpus Christi Ship Channel and has barricaded Highway No. 181 so that it is impossible for traffic to travel on said highway; and

Whereas, The said Comar Sales Corporation alleges that as a result of the construction and maintenance of the North approach to said high-level bridge and the barricading of Highway No. 181 by the Highway Commission of Texas, the operation of its Comar Sales Corporation Service Station No. 1 has become economically unfeasible; and that said Comar Sales Corporation has been damaged and will continue to be damaged within the meaning and intent of Article I, Section 17 of the Constitution of Texas; and

Whereas, The said Comar Sales Corporation desires to institute suit against the State of Texas for damages caused by the above alleged acts; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that Comar Sales Corporation be and is hereby given and granted permission to sue the State of Texas in any court of competent jurisdiction to determine whether or not the State of Texas is liable as a result of the above alleged acts and further to determine what damage, if any, Comar Sales Corporation is entitled to recover from the State of Texas by reason of any wrongful act committed by the State of Texas or any of its agencies or agents in connection with the above described transaction; and, be it further

Resolved, That service of citation

and any other legal process shall be served upon both the Chairman of the Texas Highway Commission and the Attorney General of the State of Texas. Service of process upon these two officers shall have the same force and effect as the service of process upon a defendant in any other civil case, according to the rules of civil procedure promulgated and adopted by the Supreme Court of Texas; and, be it further

Resolved, That any party to the suit shall have the right of appeal as is provided for in other civil cases; and, be it further

Resolved, That the sole purpose of this Resolution is to grant permission to Comar Sales Corporation to bring suit against the State of Texas. No admission of liability or any fact is made in any way by the passage of this Resolution; but on the contrary, it is specifically provided that the facts upon which Comar Sales Corporation seeks to recover must be proved in court as in other civil cases; and, be it further

Resolved, That any and all defenses which the State of Texas may have shall be pleaded by the state, and none of the defenses which the State of Texas may have are in any way waived by the passage of this Resolution.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Bills on First Reading

The following bills were introduced, by unanimous consent, read first time and referred to the committees indicated:

By Senator Owen:

S. B. No. 10, A bill to be entitled "An Act authorizing the execution of easements on State Lands by the Commissioner of the General Land Office in connection with soil conservation and flood prevention projects; providing that such easements may be perpetual or for a term of years providing for the inclusion in the easement form such provisions as the Commissioner may deem necessary to protect the interests of the State providing the consideration payable to the State; providing for the reservation of all mineral rights to the State of Texas, together with right to explore for and produce the

same; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Owen:

S. B. No. 11, A bill to be entitled "An Act validating Ward County Water Control and Improvement District No. 4; making a finding of benefits; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Owen:

S. B. No. 12, A bill to be entitled "An Act abolishing the Office of County Superintendent in all counties in this state having a population of not less than twenty-seven thousand, five hundred (27,500) according to the last preceding Federal Census and in which there are no Common School Districts; providing that the present County Superintendents of such county should serve out their terms for which elected; providing that the duties of County Superintendents on the effective day of this Act shall be performed by the County Judges of such county; providing compensation for such County Judges; repealing all laws and parts of laws that conflict herewith; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Roberts:

S. B. No. 13, A bill to be entitled "An Act creating a water control and improvement district under Article XVI, Section 59 of the Constitution of Texas, to be known as "Collin County Water Control and Improvement District No. 1" comprising certain lands lying within the County of Collin, Texas; prescribing its powers and duties including the powers necessary to co-operate fully with the Federal Government, its agencies and departments, under Public Law 566, 83rd Congress, Chapter 656, 2d Session, H. R. 6788, as amended by Public Law 1018, 84th Congress, Chapter 1027, 2d Session, H. R. 8750, including the power or authority to secure a federal loan or loans and enacting the applicable provisions of said public laws into this Act by reference; providing for a governing body thereof; finding and determining that the lands and other property within said District are, and will be, benefited by the District and its improvements, works and measures to be construct-

ed and accomplished; providing that the ad valorem basis or plan of taxation shall be used by the District and that it shall not be necessary to hold a hearing on the adoption of a plan of taxation; providing that it shall be necessary to hold a hearing to determine whether any lands included within the boundaries should be excluded; declaring that the District is essential to the accomplishment of the purposes of Section 59, Article XVI, Constitution of Texas, and declaring the District to be a governmental agency, body politic and corporate; authorizing the District to issue negotiable bonds for the payment of interest and principal thereof; providing that no loan from the Federal Government shall be consummated and no bonds shall be issued unless authorized by an election for such purposes; providing any such bonds to be incontestable after approval by the Attorney General and registration by the Comptroller of Public Accounts; providing that it shall not be necessary for plans and specifications, engineering reports, profiles, maps and other data to be filed in the office of the District before an election is held for the purpose of authorizing the issuance of bonds and that it shall not be necessary to secure approval of the State Board of Water Engineers prior to the issuance of bonds by the District; providing a savings clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Martin:

S. B. No. 14, An bill to be entitled "An Act with reference to the use of unexpended proceeds of bonds heretofore issued by Ellis County Water Control and Improvement District No. 1 and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Martin:

S. B. No. 15, A bill to be entitled "An Act ratifying, confirming, approving and validating certain proceedings and actions had by the governing body of certain Water Control and Improvement District or Districts and the organization of said District or Districts and all proceedings relating thereto; providing a non-litigation clause and providing the Act will not apply to certain Dis-

trict or Districts; providing a saving clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Secrest:

S. B. No. 16, A bill to be entitled "An Act to create the Bell County Water Control and Improvement District No. 6 as a conservation and reclamation district in Bell County under the provisions of Article XVI, Section 59 of the Constitution of Texas; prescribing the duties, powers, functions, and procedures for the district, including the right to participate in the organization of subordinate districts to carry out the functions of the master district under certain circumstances and conditions; providing for the incurring of obligations of the master and subordinate districts; providing for a governing body and prescribing their duties; adopting certain provisions of the general law; enacting other provisions required for the functioning of the master and subordinate districts; providing a severance clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Aikin:

S. B. No. 17, A bill to be entitled "An Act authorizing Titus County to refund bonds and warrants payable from the Road and Bridge Fund into refunding bonds bearing the same or a lower rate of interest; or refunding bonds bearing a higher rate of interest if a mathematical savings is shown by such a refunding; validating obligations heretofore incurred against the Road and Bridge Fund; validating all proceedings heretofore had in the authorization of Road and Bridge Fund obligations; prescribing a severability provision; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senators Aikin, Krueger, Owen and Reagan:

S. B. No. 18, A bill to be entitled "An Act to amend Chapter 25, Acts of the 54th Legislature, an Act authorizing the issuance of revenue bonds and notes by junior college districts, by adding a new section to such Act making the bonds and notes issued pursuant to such Act, as amended, authorized investments, and making them eligible to secure public

funds; and declaring an emergency."

To the Committee on State Affairs.

By Senator Herring:

S. B. No. 19, A bill to be entitled "An Act to authorize conservation districts organized under the authority of Section 59, Article XVI of the Constitution of Texas to levy and collect a maintenance tax and providing for an election as a condition precedent to the right to levy and collect such tax and limiting the use of such taxes; defining term "district" as used in Act; providing engineer's report need not be filed before calling exclusion hearing or bond election and providing the time and method of approval by the State Board of Water Engineers of the project, works and improvements and amount of bonds, the plans and specifications of which are prepared or to be prepared by the Soil Conservation Service, United States Department of Agriculture; validating organization, confirmation elections, exclusion hearings, bond and maintenance tax elections, acts and proceedings of officials of districts; providing that validation provisions shall not validate matters which would otherwise be validated if involved in litigation on effective date of Act and if the ultimate decision of the court is against the validity thereof; providing this Act shall have priority of application; providing a severance clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Herring:

S. B. No. 20, A bill to be entitled "An Act relating to the number, duties and salaries of employees in certain job classifications which the Texas Employment Commission is authorized to employ during the remainder of the biennium ending August 31, 1959; amending Group 20 (Assistant Administrators) and Group 19 (Professional) of the Texas Employment Commission job classification divisions in Section 1 of Article III, House Bill 183, Chapter 385, Acts of the 55th Legislature, Regular Session, 1957 (General Appropriation Act); allocating Federal funds heretofore appropriated to the Unemployment Compensation Administration Fund (Federal); providing for the severability of the provisions of this Act; and declaring an emergency."

To the Committee on Finance.

By Senator Parkhouse:

S. B. No. 21, A bill to be entitled "An Act validating all proceedings in connection with city tax bonds heretofore favorably voted for off-street parking, or park and off-street parking purposes; authorizing the issuance and delivery of any such bonds and the operation and maintenance of any facilities acquired or constructed with the proceeds from the sale of any such bonds; enacting other provisions related to the subject; prescribing a severability provision; and declaring an emergency."

The the Committee on State Affairs.

By Senator Parkhouse:

S. B. No. 22, A bill to be entitled "An Act to facilitate cooperation in the over-all program of water conservation by amending Chapter 518, Acts of the Fifty-fourth Legislature, creating Trinity River Authority of Texas, making applicable to the Authority Articles 7703 to 7708, inclusive, Revised Civil Statutes of 1925, with reference to validation of bonds by court procedure, with certain exceptions and provisions; enacting other provisions relating to the subject; and declaring an emergency."

To the Committee on Water and Conservation.

By Senators Bracewell, Parkhouse and Willis:

S. B. No. 23, A bill to be entitled "An Act applicable to any County having a population of six hundred thousand (600,000) or more according to the last preceding Federal Census; providing for the appointment of a Board of Park Commissioners; setting forth their duties and powers; providing that the Commissioners Court of any such county may transfer to said Park Board jurisdiction of any park or parks in the county; authorizing the issuance of revenue bonds to acquire, improve, equip and repair any park under the jurisdiction of the Park Board; providing for a vote of the qualified taxpaying voters for the approval of the issuance of said bonds; providing the terms and conditions for the issuance and sale of such bonds; granting the Park Board the authority to make rules and regulations concerning the operation of parks; giving the Park Board power to enter into agreements, contracts and leases of parks or facilities thereof; authorizing the Park

Board to accept grants and gratuities; providing that this Act shall be cumulative; providing a severability clause and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Hazlewood:

S. B. No. 24, A bill to be entitled "An Act providing that the Judge of the Court of Domestic Relations of Potter County, Texas, shall receive such compensation as allowed other District Judges by the laws of this State; providing that said compensation shall be paid by the Commissioners Court of Potter County out of the General Fund or the Officers' Salary Fund of the County; providing for a repealing clause; providing for a severability clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Hazlewood:

S. B. No. 25, A bill to be entitled "An Act relating to the regulation of the business of giving bail in criminal and quasi-criminal cases; amending Sections 4, and 6 of Chapter 420, Acts of the 55th Legislature, Regular Session, 1957, to make said sections applicable in any county which contains in whole or in part a city containing seventy-three thousand (73,000) inhabitants or more, according to the last preceding Federal Census; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Fly:

S. B. No. 26, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article 16 of the Constitution of Texas, to be known as "Ecleto Creek Watershed District," prescribing its powers and duties and providing for a governing body thereof; making the district subject to the statutes relating to water control and improvement districts except as otherwise provided; enacting other provisions relating to the subject; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Fly:

S. B. No. 27, A bill to be entitled "An Act creating a conservation and reclamation district under the provi-

sions of Section 59, Article 16 of the Constitution of Texas, to be known as "Hondo Creek Watershed Improvement District"; prescribing its powers and duties and providing for a governing body thereof; making the District subject to the statutes relating to water control and improvements districts except as otherwise provided; enacting other provisions relating to the subject; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Fly:

S. B. No. 28, A bill to be entitled "An Act to expedite the building program of the Texas Employment Commission by reallocating funds heretofore appropriated and by placing responsibility for its building program on the Texas Employment Commission; providing for repeal of all laws and parts of laws in conflict herewith only insofar as they do conflict; and declaring an emergency."

To the Committee on Finance.

By Senator Gonzalez:

S. B. No. 29, A bill to be entitled "An Act amending Section 16 of Chapter 152, Acts of the 55th Legislature, Regular Session, 1957, to make Articles 901, 902 and 924a of the Penal Code of the State of Texas which prescribe or limit certain methods, means or manner of taking wildlife resources applicable in Bexar County; and declaring an emergency."

To the Committee on Game and Fish.

(President Pro Tempore in the Chair.)

Senate Resolution 112

Senator Kazen by unanimous consent offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate State Senator Herbert H. Fraise of the State of Washington; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate and that he be given the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Kazen by unanimous consent presented the Honorable Herbert H. Fraise to the Members of the Senate.

Reports of Standing Committee

Senator Owen by unanimous consent submitted the following reports:

Austin, Texas,
November 7, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 24, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

OWEN, Chairman.

Austin, Texas,
November 7, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 25, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

OWEN, Chairman.

Austin, Texas,
November 7, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 10, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Austin, Texas,
November 7, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 11, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Austin, Texas,
November 7, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 12, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Austin, Texas,
November 7, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 17, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Austin, Texas,
November 7, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 23, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

OWEN, Chairman.

Senate Bills Nos. 24, 25, 10, 11, 12, 17, and 23 Ordered Not Printed

On motion of Senator Owen and by unanimous consent Senate Bills Nos. 24, 25, 10, 11, 12, 17, and 23 were ordered not printed.

Senate Bills on First Reading

The following bills were introduced by unanimous consent, read first time and referred to the committees indicated:

By Senators Secrest and Herring:

S. B. No. 30, A bill to be entitled "An Act to create the Donahoe Creek Watershed Authority as a conservative and reclamation district in Bell, Milam and Williamson Counties under the provisions of Article XVI, Section 59 of the Constitution of Texas; prescribing the duties, powers, functions, and procedures for the

district, including the right to participate in the organization of subordinate districts to carry out the functions of the master district under certain circumstances and conditions; providing for the incurring of obligations and the methods for the selection of manner for paying such obligations of the master and subordinate districts; providing for a governing body and prescribing their duties; adopting certain provisions of the general law; enacting other provisions required for the functioning of the master and subordinate districts; providing a severance clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Secrest:

S. B. No. 31, A bill to be entitled "An Act to create the Darr's Creek Watershed Authority as a conservation and reclamation district in Bell County under the provisions of Article XVI, Section 59 of the Constitution of Texas; prescribing the duties, powers, functions, and procedures for the district, including the right to participate in the organization of subordinate districts to carry out the functions of the master district under certain circumstances and conditions; providing for the incurring of obligations and the methods for the election of manner for paying such obligations of the master and subordinate districts; providing for a governing body and prescribing their duties; adopting certain provisions of the general law; enacting other provisions required for the functioning of the master and subordinate districts; providing a severance clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Ashley:

S. B. No. 32, A bill to be entitled "An Act to amend Section 1 of Chapter 156, Acts of the Fortieth Legislature, Regular Session, 1927, as amended (Article 200a Vernon's Texas Civil Statutes), relating to Administrative Judicial Districts, by amending Section 1 thereof by removing Gillespie and Kimble Counties from the Third Administrative Judicial District to the Sixth Administrative Judicial District, and declaring an emergency."

To the Committee on Legislative, Congressional and Judicial Districts.

By Senator Ashley:

S. B. No. 33, A bill to be entitled "An Act to ratify, confirm and validate the organization, establishment and creation of Menard County Water Control and Improvement District No. 1 and providing for the annexation of additional territory as provided by general law; providing that this Act shall be cumulative of other laws governing said District, but in event of conflict the provisions of this Act shall control; providing that all governmental proceedings and acts performed by the governing board of said District and all officers thereof are hereby validated, in all things, as of the respective dates of such proceedings and acts; validating the area and boundary lines of said District; declaring the benefits and essentiality of the District to Texas and declaring said District to be a body politic and corporate and a governmental agency; providing that the Act shall not apply to any pending litigation on effective date of Act in which the creation of the District is involved, if such litigation is ultimately determined against the legality thereof; providing a severability clause and declaring an emergency."

To the Committee on Water and Conservation.

Notice of Executive Session

Senator Lock gave notice that he would on tomorrow move for an Executive Session.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
November 7, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 2, An Act to be known as the Representation Before the Legislature Act; defining terms; providing for the registration of persons who undertake by direct communication, to promote or oppose the passage of any legislation by the Legislature or the approval or veto thereof by the Governor; providing certain exceptions to application of the Act;

etc.; and declaring an emergency.
(With amendments.)

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives
(President in the Chair.)

Senate Bills on First Reading

The following bills were introduced, by unanimous consent, read first time and referred to the committee indicated:

By Senator Smith:

S. B. No. 34, A bill to be entitled "An Act to amend Section 1 of the Senate Bill 470, Acts of the 55th Legislature, 1957, Chapter 469, page 1374, codified as Article 2632e, Vernon's Texas Civil Statutes, so as to permit the Board of Directors of Texas Technological College to convey to the City of Lubbock land upon which the city proposes to build and maintain a museum; and declaring an emergency.

To the Committee on State Affairs.

By Senator Smith:

S. B. No. 35, A bill to be entitled "An Act amending Article 6079b of the Revised Civil Statutes of 1925 added by Chapter 365, Acts of the 49th Legislature as amended by Chapter 88, Acts of the 54th Legislature by making more adequate provision for maintenance and operation of county-owned parks in certain counties which have voted and issued bonds for park purposes; providing for severability clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Martin:

S. B. No. 36, A bill to be entitled "An Act amending House Bill 133, Acts of the 55th Legislature, Regular Session, being Chapter 385 of the General Laws, as it pertains to the Court of Civil Appeals, Tenth Supreme Judicial District at Waco, Texas, to transfer certain library funds therein appropriated to supplement certain salary items in said appropriation; providing that this Act shall in no way constitute an appropriation of State funds in addition to funds already appropriated; providing a

severability clause; and declaring an emergency."

To the Committee on Finance.

By Senator Fly:

S. B. No. 37, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article 16 of the Constitution to be known as "North Live Oak Conservation and Reclamation District"; enacting other provisions relating to the subject; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Fly:

S. B. No. 38, A bill to be entitled "An Act clarifying purposes for which monies may be expended by the Texas Department of Public Safety; providing additional purposes for which the monies appropriated by the provisions of House Bill 133, Acts of the 55th Legislature, Regular Session, 1957, Chapter 385, may be expended by the Texas Department of Public Safety and declaring an emergency."

To the Committee on Finance.

By Senator Rogers:

S. B. No. 39, A bill to be entitled "An Act transferring certain funds heretofore appropriated to the Governor's Office by House Bill 133, Acts of the 55th Legislature, Regular Session, 1957, to the Judiciary Section, Comptrollers Department, to pay the salary of the District Attorney of the 154th Judicial District for the biennium ending August 31, 1959, and to cover necessary state matching contributions for Federal Social Security; and declaring an emergency."

To the Committee on Finance.

By Senator Lock:

S. B. No. 40, A bill to be entitled "An Act amending and correcting the language in Chapter 385, Acts, 55th Legislature, Regular Session, 1957, so as to effectuate the purpose of treating as a loan and a repayment the appropriation therein made to the Neches River Conservation District."

To the Committee on Counties, Cities and Towns.

Committee Substitute House Bill 6 on Second Reading

The Senate resumed consideration of the pending business, same being C. S. H. B. No. 6 on its second reading with an amendment by Senator Wood pending.

Question—Shall the amendment by Senator Wood to C. S. H. B. No. 6 be adopted?

Pending discussion by Senator Phillips of the amendment by Senator Wood, the President Pro Tempore occupied the Chair.

(President in the Chair.)

Question—Shall the amendment by Senator Wood to C. S. H. B. No. 6 be adopted?

Adjournment

On motion of Senator Lock the Senate at 5:05 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

Record of Vote

Senator Ratliff asked to be recorded as voting "Nay" on the motion to adjourn.

In Memory of
Charles H. Page, Sr.

Senator Herring offered the following resolution:

(Senate Resolution 109)

Whereas, In the passing of Charles H. Page, Sr., on the fifth day of October, 1957, the people of Travis County lost one of their most distinguished architects and outstanding citizens; and

Whereas, Charles H. Page, Sr., was born in St. Louis, Missouri, in 1876, and moved with his family to Austin, Texas, in 1882, and has made this city his home since that time; and

Whereas, He was known as the dean of Texas architects, having been engaged in the profession in Austin for more than sixty-five years and was on the first board which the State established for the licensing of architects; and

Whereas, He was honored at the golden anniversary program of the Central Texas Chapter of the Texas Society of Architects last year in exercises which commemorated his more than sixty years' active work in the profession; and

Whereas, The many hundreds of public structures which he built stand as a monument to his life of devoted service to his profession and its advancement; and

Whereas, He is survived by his wife, Mrs. Miriam Maas Page; his son, Charles H. Page, Jr.; and three grandchildren, Ann, Charles III and Sutton Page; and

Whereas, It is the desire of the Senate of the Fifty-fifth Legislature, in Special Session, to pay tribute to this outstanding man; now, therefore, be it

Resolved, That when the Senate adjourns today, it do so in his memory and that a page in the permanent Senate Journal be devoted to the recording of this Resolution; and, be it further

Resolved, That an enrolled copy of this Resolution be sent to Mrs. Miriam Maas Page, Charles H. Page, Jr., Ann Page, Charles Page III and Sutton Page, as a token of respect and sympathy.

The resolution was read and was adopted by a rising vote of the Senate.